IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 762 OF 2002

IN

SUMMARY SUIT NO. 317 Of 2002

Prasar Bharati(Broadcasting Corporation
of India) .. Plaintiff

versus

Western Co-op Bank Ltd. .. Defendant

...

Mr.R.M. Azim for the plaintiff.

Mr.A.C. Mahimkar for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 21st February 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. The learned counsel for the defendant states that a liquidator has been appointed in respect of the defendant which is a Co-operative bank. No steps

have been taken for joining the liquidator as a party nor is the consent of the liquidator obtained for continuation of the suit. This itself is a good ground for the grant of a leave to defend.

3. In addition, it is seen that a notice u/s.164 of the Co-operative Societies Act was not served on the Registrar but is alleged to be served on the Dy. Registrar. No notification of the Government has been shown under which a notice could be issued to and be received by the Dy. Registrar as a delegation of the Registrar. This is another gro nd for grant of a leave to defend. Thus, defendant is granted unconditional leave to defend the suit.

4. Suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of eight weeks.

D.G. KARNIK, J